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## FDA-tobacco bill will pass, Kennedy vows at hearing

Senate measure has 52 sponsors

By James R. Carroll  
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The Courier-Journal

WASHINGTON -- Senators began deliberations yesterday on a landmark bill giving the federal Food and Drug Administration the power to regulate tobacco products.

The Senate Health, Education, Labor and Pensions Committee is scheduled to continue work today. Timing on a vote is uncertain.

"As sure as I'm sitting here ... we'll get it," Sen. Edward Kennedy, D-Mass., said of the bill.

Kennedy, the committee chairman, is a co-sponsor with 51 other senators in both parties. A similar bill is pending in the House.

The measure would give the FDA authority to regulate the manufacture, advertising, distribution and sale of tobacco products.

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Several provisions would be aimed at shielding young people from tobacco ads and illegal sales.

In addition, the FDA could ban misleading claims by tobacco companies and order the removal of hazardous ingredients in tobacco products.

The legislation also would authorize the FDA to order stronger health warnings on cigarette packs.

"Smoking is the No. 1 preventable cause of death in America," Kennedy said. "Congress cannot continue to ignore a public health problem of this magnitude."

But Sen. Michael Enzi of Wyoming, the ranking Republican on the health panel, said the FDA bill "is fatally flawed."

"It will undermine what the FDA mission is," he said, diverting agency resources from ensuring safe foods and drugs.

Sen. Orrin Hatch, R-Utah, also said the FDA already is stretched too thin.

"I do not believe the FDA can take on this added responsibility," he said.

Hatch proposed an amendment to delay the bill while the Institute of Medicine provides Congress with the costs and potential impact of tobacco regulation on the FDA. The amendment was defeated, 12-9.

Sen. Tom Harkin, D-Iowa, said senators can boost the FDA's funding when they consider the agriculture spending bill. In the meantime, the \$450 million the Senate bill provides for tobacco control should be adequate, he said.

"It won't require armies of bureaucrats to do this," Harkin said. And while the bill may have flaws, "if it does take a step in the right direction ... getting young people not to smoke ... then it's well worth it."

The money for the FDA regulation of tobacco would come from a user fee collected from tobacco companies, which would be equivalent to roughly 2.5 cents per pack.

Reporter James R. Carroll can be reached at (202) 906-8141.



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